

**AUCTIONEER BOARD MEETING  
MINUTES  
JULY 21, 2009**

**PRESENT:** Jay Clarke, Kathryn Daley, Alan Hager, Patrick McNamara and Timothy Sweeney

**STAFF PRESENT:** Tom Ryan, Bureau Director; Ruby Jefferson-Moore, Legal Counsel; Kimberly Wood, Bureau Assistant

**GUESTS:** Barbara Hager, Gordon Carlson, Lynne Seitz and Carl Seitz, House in the Woods Auction Gallery

**CALL TO ORDER**

Patrick McNamara, Chair, called the meeting to order at 9:18 a.m. A quorum of five (5) members was present.

**AGENDA**

**Amendments to Agenda:**

- Between Items “B & C” (open session) ADD: Current draft of LRB 2403/1, Relating to Registration Requirements for Auction Companies – for review during discussion of “Updated on LRB 07-2403 Relating to Continuing Education Requirements for Auction Company Representatives”
- Between Items “B & C” (open session) ADD: Indiana FAQ’s pertaining to Credentialing Requirements – for review during discussion of “Reciprocity with Indiana – Discussion”
- End of Agenda (closed session) ADD: Case Status Report

**MOTION:** Jay Clarke moved, seconded by Alan Hager, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES (APRIL 28, 2009)**

**MOTION:** Kathryn Daley moved, seconded by Jay Clarke, to approve the minutes of April 28, 2009 as published. Motion carried unanimously.

**ADMINISTRATIVE REPORT  
TOM RYAN, BUREAU DIRECTOR**

Tom Ryan introduced himself as the Board’s new Bureau Director.

### **Budget Report**

Tom Ryan informed the Board of the status of the state budget. The Board was informed of a number of cost saving measures being taken by the Department such as holding meetings during the winter months via teleconference, the inception of electronic packets being distributed within the Department and changes in meeting times to avoid the need for hotel visits. Additionally, as a matter of efficiency, the Department is now utilizing a pager system to notify staff when their presence is required at a Board meeting.

### **E-Credential**

Tom Ryan advised the Board that the Department is discontinuing the issuance of paper certificates. Instead the Department will send an e-mail to renewing individuals when their renewal processing is complete. This e-mail will provide information on how to access an electronic certificate that the credential holder can print out. The e-credential would allow credential holders to create duplicate licenses without having to pay the \$10 fee associated with reproduction of a license. Also noted was the allowance for individuals to request that a paper renewal be mailed in the scenario that where their ability to renew online is affected or if the credential holder does not have the means to print their credential.

### **Other**

The Board was advised that Jack Temby, Supervising Attorney, in the Division of Enforcement recently retired.

## **PRESENTATION OF PROPOSED STIPULATIONS BY THE DIVISION OF ENFORCEMENT OR ANY SUBMITTED AFTER PRINTING OF THE AGENDA**

**KIM HANGARTNER  
08 AUC 007**

A presentation of the Proposed Stipulation and Final Decision and Order in case number 08 AUC 007 was not given. The Board will deliberate in closed session.

## **ORAL ARGUMENTS IN THE PROPOSED DECISION AND ORDER IN THE MATTER OF CARL SEITZ, RESPONDENT (05 AUC 018)**

Lara Herman, DRL Division of Enforcement, and Carl Seitz, Respondent appeared before the Board to provide oral arguments relating to this Proposed Decision and Order. The Board will deliberate in closed session.

*(Patrick McNamara excused himself from the room for the presentation.)*

## **LEGISLATION AND ADMINISTRATIVE RULES**

### **Update on LRB 07-2430 Relating to Continuing Education Requirements for Auction Company Representatives**

The Board discussed the status of LRB 07-2430. The Board requested that the Department move forward with the proposed legislation. It was noted that sponsorship would need to be obtained in order to have this proposal introduced to legislature. The Board will work to obtain sponsorship.

## **EDUCATION AND EXAMINATION**

### **Discussion Relating to Status of Continuing Education Credit for USPAP Courses for Auctioneers**

Ruby Jefferson-Moore advised the Board that this initiative has been approved by Secretary Jackson. Rule revisions will be needed in correlation with this effort which means that a scope statement will need to be drafted. This issue will be discussed at a future meeting.

## **RECIPROCITY WITH INDIANA – DISCUSSION**

Maxine O'Brien, Executive Director – Wisconsin Auctioneer Association, informed the Board of several requests which she has received for Wisconsin to pursue a reciprocal agreement with Indiana.

Ruby Jefferson-Moore provided the Board with a comparison of Indiana vs. Wisconsin's requirements. The Board discussed Indiana's requirements and deliberated whether to pursue a reciprocal agreement. Maxine O'Brien provided additional information to the Board regarding the reciprocity requests. Discussion of potential provisions of a reciprocal agreement as it relates to continuing education ensued.

The Board decided to investigate a reciprocal agreement with Indiana contingent upon the acceptance of WI's current continuing education courses which coincide with both states requirements. Consideration to this potential agreement will need to be made by Secretary Jackson. The Board postponed discussion of this issue until more information can be gathered.

## **PUBLIC COMMENTS**

Maxine O'Brien, Wisconsin Auctioneers Association, expressed her appreciation for the Board's efforts and for its communication.

### **CONVENE TO CLOSED SESSION**

**MOTION:** Alan Hager moved, seconded by Jay Clarke to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, the Board intends to deliberate on stipulations, administrative warnings, case closings, and monitoring cases. Roll Call Vote: Jay Clarke-yes; Kathryn Daley-yes; Alan Hager-yes; Patrick McNamara-yes; and Timothy Sweeney-yes. Motion carried unanimously.

Open Session recessed at 10:22 a.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Alan Hager moved, seconded by Timothy Sweeney, to reconvene into Open Session. Motion carried unanimously.

Open Session reconvened at 10:44 a.m.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

#### **CASE CLOSINGS, CITATIONS, AND CASE STATUS REPORT OR ANY RECEIVED AFTER THE MAILING OF AGENDA**

##### **08 AUC 013**

**MOTION:** Jay Clarke moved, seconded by Timothy Sweeney, to close case **08 AUC 013** for prosecutorial discretion (P5). Motion carried. Abstained: Alan Hager

#### **DELIBERATION OF PROPOSED STIPULATIONS OR ANY SIGNED AFTER MAILING OF AGENDA**

##### **KIM HANGARTNER 08 AUC 007**

**MOTION:** Alan Hager moved, seconded by Kathryn Daley, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Kim Hangartner, **08 AUC 007**. Motion carried unanimously.

**DELIBERATION OF PROPOSED DECISION OR ANY SIGNED AFTER MAILING OF  
AGENDA**

**CARL SEITZ  
05 AUC 018**

**MOTION:** Timothy Sweeney moved, seconded by Kathryn Daley, adopt the Proposed Decision and Order, including the Findings of Fact, Conclusions of Law and Order in the matter concerning **Carl Seitz, 05 AUC 018**. Motion carried. Abstained: Patrick McNamara

*(Patrick McNamara left the room for deliberation and abstained from voting on the Proposed Decision and Order.)*

**CONSULTING WITH LEGAL COUNSEL**

Ruby Jefferson-Moore, Legal Counsel, was available for consultation throughout the duration of the meeting.

**ADJOURNMENT**

**MOTION:** Jay Clarke moved, seconded by Alan Hager, to adjourn. Motion carried unanimously.

The meeting adjourned at 10:46 a.m.